

**INDIANA CODE SECTIONS
AMENDED OR REPEALED BY PD 3080, THE FIRST DRAFT OF
THE 2011 TECHNICAL CORRECTIONS BILL**

(1) AMENDMENTS TO CODE SECTIONS AND CODE SECTIONS ADDED:

<u>SEC.</u>	<u>IC §</u>	<u>Page</u>	<u>Reason for Amendment or Addition:</u>	<u>Effective date:</u>	Person who brought the problem to OCR's attention or with <u>whom OCR consulted:</u>
1.	3-7-18-21		Reference to repealed section. IC 3-7-18-21 provides that a "... designated individual may use any of the following methods to transmit voter registration applications or declinations under section 19 <u>or 20</u> of this chapter ..." to the circuit court clerk or county board of registration. But section 20 of the chapter (i.e., IC 3-7-18-20), was repealed in 2005, and no section of the chapter other than section 19 provides for the transmitting of voter registration applications or declinations to the circuit court clerk or county board of registration. This SECTION amends IC 3-7-18-21 so as to eliminate the reference to section 20.	Upon passage	
2.	5-10-1.5-1		References to repealed statutes. IC 5-10-1.5-1 imposes an annual reporting requirement on the actuaries of retirement plans for state and local government employees. The retirement plans to which the reporting requirement applies are listed in subdivisions (1) through (19) of IC 5-10-1.5-1, mainly by reference to the statutes that established or authorized the establishment of those plans. Subdivisions (3) through (6) of IC 5-10-1.5-1 contain references to statutes that were repealed and replaced several years ago. Subdivisions (3) through (6) read as follows: "(3) Each of the police pension funds established or covered under <u>IC 19-1-18, IC 19-1-30, IC 19-1-25-4, or IC 36-8.</u> (4) Each of the firemen's pension funds established or covered under <u>IC 19-1-37, IC 18-1-12, IC 19-1-44,</u> or IC 36-8. (5) Each of the retirement funds for utility employees authorized under <u>IC 19-3-22</u> or IC 36-9 or established under <u>IC 19-3-31.</u> (6) Each county police force pension trust and trust fund authorized under <u>IC 17-3-14 or IC 36-8.</u> " In the preceding excerpt from IC 5-10-1.5-1, the statutes referred to in underlined text were repealed at least 28 years ago: IC 19-1-30, IC 19-1-25-4, IC 19-1-37, and IC 19-1-44 were repealed in 1981 and IC 19-1-18, IC 18-1-12, IC 19-3-22, IC 19-3-31, and IC 17-3-14 were repealed in 1982. (Titles 17, 18, and 19 of the Indiana Code were repealed in the early 1980s and their contents were transferred to other locations in the Indiana Code.) Because the title 17, 18, and 19 statutes referred to in subdivisions (3) through (6) were repealed and replaced long ago, and because the references to those statutes are now unnecessary to the imposition of the reporting requirement, this SECTION amends IC 5-10-1.5-1	Upon passage	Peggy Piety, LSA attorney

so as to eliminate the references to the title 17, 18, and 19 statutes in subdivisions (3) through (6). This section also strikes subdivision (18) of IC 5-10-1.5-1, which refers to "(t)he pension fund allowed employees of the Wabash Valley interstate commission as authorized under IC 13-5-1-3", because IC 13-5-1 (the codified interstate compact between Indiana and Illinois under which the Wabash Valley Interstate Commission was established) was repealed in 1978, the Wabash Valley Interstate Commission is no longer referred to anywhere in the Indiana Code *except* in IC 5-10-1.5-1(18), and the Wabash Valley Interstate Commission is apparently no longer in existence.

3.	5-20-1-16	Homonym and verb tense problems. IC 5-20-1-16 authorizes the Indiana housing and community development authority to create and establish a "capital reserve fund" to secure certain notes and bonds. However, at the beginning of IC 5-20-1-16 there is a section title that is incorporated into the text of the section, and in that section title the word "capital" is spelled with an "O" instead of an "A" ("Capitol Reserve Fund"). This SECTION amends IC 5-20-1-16 so as to replace "Capitol" with "Capital". This SECTION also corrects the tense of the verb in the first sentence of IC 5-20-1-16 (which reads, "(t)he authority may <u>created</u> and establish one (1) or more special funds ..."), replacing "created" with " <u>create</u> ". In addition, this SECTION, at the beginning of subsection (f), changes "Notwithstanding subsections (a) through (f)" to "Notwithstanding subsections (a) through (<u>e</u>)".	Upon passage	
4.	6-1.1-10-3	Nonstandard tabulation. Subsection (a) of IC 6-1.1-10-3 contains three subdivisions. Subdivisions (1) and (3) of subsection (a) are further broken into clauses. Rather than being designated with capital letters (e.g., "(A)") as our Form and Style Manual prescribes, the two clauses in subdivision (1) and the two clauses in subdivision (3) are designated as "(i)" and "(ii)". This SECTION amends IC 6-1.1-10-3 so as to change the designation of the clauses of subsection (a)(1) and (a)(3) from "(i)" and "(ii)" to " <u>(A)</u> " and " <u>(B)</u> ". This SECTION also changes the indentation of the clauses in subsection (a)(1) in conformity with the indentation prescribed by our Form and Style Manual.	Upon passage	Brian Bailey, Commissioner, Dept of Local Gov't Finance
5.	6-1.1-10-34	Nonstandard tabulation. Subsection (a) of IC 6-1.1-10-34 contains three subdivisions. Subdivision (3) of subsection (a) is further broken into two clauses. Rather than being designated with capital letters as our Form and Style Manual prescribes, these two clauses are designated as "(i)" and "(ii)". This SECTION amends IC 6-1.1-10-34 so as to change the designation of the two clauses of subsection (a)(3) from "(i)" and "(ii)" to " <u>(A)</u> " and " <u>(B)</u> ". This SECTION also changes the indentation of the three subdivisions of subsection (a) in conformity with the indentation prescribed by our Form and Style Manual.	Upon passage	Brian Bailey, Commissioner, Dept of Local Gov't Finance
6.	6-1.1-18.5-3	Incorrect internal reference. Subsection (c)(2) of IC 6-1.1-18.5-3, as amended	Upon passage	Ed Gohmann,

in 2008, refers to "an excessive levy appeal approved under section 13(a)(1) of this chapter". But section 13 of the chapter (i.e., IC 6-1.1-18.5-13) is not divided into subsections and apparently has never been divided into subsections, so the reference to "section 13(a)(1)" cannot be right. This SECTION changes the reference from "section 13(a)(1)" to "section 13(1)". Assurance that "section 13(1)" (i.e., subdivision (1) of IC 6-1.1-18.5-13) is the correct form for the reference can be drawn from this analysis: The purpose of IC 6-1.1-18.5-3 is to impose an upper limit on the ad valorem property tax levy of a civil taxing unit. Subsection (c) of IC 6-1.1-18.5-3 provides for the determination of a number that is used in a formula to calculate a particular civil taxing unit's upper limit. *Subdivision (1)* of subsection (c) provides for the use of a certain number that increases the upper limit on a civil taxing unit's property tax levy if there has been an annexation by the civil taxing unit. *Subdivision (2)* of subsection (c) -- the subdivision in which the problematic reference appears -- provides for the use of a certain number that increases the upper limit on a civil taxing unit's property tax levy if the civil taxing unit "... has had an excessive levy appeal approved *under section 13(a)(1) of this chapter*". And section 13(1) of the chapter provides for an increase in a civil taxing unit's levy if an increase is reasonably necessary "due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons." It seems reasonable to presume that the General Assembly intended IC 6-1.1-18.5-3(c) to cover *the entire range of situations addressed by subdivision (1)* of IC 6-1.1-18.5-13. And changing the reference in IC 6-1.1-18.5-3(c)(2) to "section 13(1)" will reflect and carry out the presumed legislative intent that IC 6-1.1-18.5-3(c) should cover the entire range of situations addressed by IC 6-1.1-18.5-13(1). As mentioned above, IC 6-1.1-18.5-3(c)(1) specifically applies where there has been an annexation by the civil taxing unit. By applying where the civil taxing unit "... has had an excessive levy appeal approved *under section 13(1) of this chapter*", IC 6-1.1-18.5-3(c)(2) will cover the situations that are mentioned in IC 6-1.1-18.5-13(1) *other than annexation*, that is, "... increased costs ... resulting from ... consolidation, or other extensions of governmental services by the civil taxing unit ...".

Bob Bond, and
George Angelone,
LSA attorneys.

Brian Bailey,
Commissioner,
Dept of Local
Gov't Finance

7.	6-1.1-20-3.1	Conflict resolution. IC 6-1.1-20-3.1 was amended in different ways by two 2010 acts, HEA 1086 [P.L.113-2010] and SEA 401 [P.L.41-2010]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-20-3.1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-20-3.1.	Upon passage	Brian Bailey, Commissioner, Dept of Local Gov't Finance
8.	6-1.1-20-3.2	Conflict resolution. IC 6-1.1-20-3.2 was amended in different ways by two 2010 acts, HEA 1086 [P.L.113-2010] and SEA 401 [P.L.41-2010]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-20-3.2. The two	Upon passage	Brian Bailey, Commissioner, Dept of Local

		versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-20-3.2.		Gov't Finance
9.	6-1.1-22-3	Incorrect Code reference. Subsections (b) and (c) of IC 6-1.1-22-3 both refer to the county auditor receiving "a copy of an appeal petition under IC 6-1.1-18.5-12(d)". However, it is subsection (g) of IC 6-1.1-18.5-12, not subsection (d), that provides for the filing of a copy of an appeal petition with the county auditor. ("(g) The fiscal officer of a civil taxing unit that appeals under section 16 of this chapter for relief from levy limitations shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.") This SECTION amends IC 6-1.1-22-3 so as to change the references in subsections (b) and (c) from "IC 6-1.1-18.5-12(d)" to "IC 6-1.1-18.5-12(g)".	Upon passage	Brian Bailey, Commissioner, Dept of Local Gov't Finance
10.	6-1.1-22-4	Misspelled word. In subsection (a) of IC 6-1.1-22-4 the word "hundred" is misspelled as "hunded" ("... the rate of tax per one <u>hunded</u> dollars (\$100) ..."). This SECTION corrects that misspelling.	Upon passage	Brian Bailey, Commissioner, Dept of Local Gov't Finance
11.	6-1.1-25-4	Conflict resolution. IC 6-1.1-25-4 was amended in different ways by two 2010 acts, HEA 1183 [P.L.73-2010] and HEA 1324 [P.L.98-2010]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-25-4. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-25-4.	Upon passage	Brian Bailey, Commissioner, Dept of Local Gov't Finance
12.	6-2.5-5-30	Nonstandard tabulation. The first sentence of IC 6-2.5-5-30 contains two tabulated items that appear as subdivisions (1) and (2) of IC 6-2.5-5-30. However, the second sentence of IC 6-2.5-5-30 also contains two items that are, you might say, semi-tabulated; these items are set apart by the use of a colon and letter designations (as "(A)" and "(B)") but are not placed on separate lines. Our Form and Style Manual does not allow two separate instances of tabulation within a section that is not broken into subsections. However, the semi-tabulated items in the second sentence could be fully tabulated in the style prescribed by our Form and Style Manual if the first sentence of IC 6-2.5-5-30 were made into subsection (a) and the second sentence of IC 6-2.5-5-30 were made into subsection (b). This SECTION amends IC 6-2.5-5-30 so as to make that change in tabulation. It converts the first sentence of IC 6-2.5-5-30 into subsection (a) and the second sentence of IC 6-2.5-5-30 into subsection (b). It also converts the items formerly designated as "(A)" and "(B)" in the second sentence of IC 6-2.5-5-30	Upon passage	Tom Conley, Director, Div. of Tax Policy, Dept of Revenue

into subdivision (1) and subdivision (2).

13.	6-3-4-17	Reference to repealed provision. IC 6-3-4-17 contains a reference to "IC 6-3.5-8-22(c)". But the entire chapter containing IC 6-3.5-8-22 was repealed in 2008. IC 6-3-4-17 requires the department of state revenue and the office of management and budget to prepare quarterly reports summarizing the amounts reported to the department under various statutes, including "IC 6-3.5-8-22(c)". When it was in effect, IC 6-3.5-8-22(c) required employers to report the amount withheld from their employees' salaries for purposes of the municipal option income tax. However, the law authorizing municipalities to impose a municipal option income tax (IC 6-3.5-8) was repealed in 2008, and consequently the department of state revenue no longer receives reports from employers about amounts withheld for purposes of the municipal option income tax. This SECTION strikes the reference to "IC 6-3.5-8-22(c)" from IC 6-3-4-17.	Upon passage	John Rowings, George Angelone, & Ed Gohmann, LSA attorneys. Tom Conley, Director, Div. of Tax Policy, Dept of Revenue
14.	6-3.1-31.2-3	Missing conjunction. Subsection (a) of IC 6-3.1-31.2-3 contains two subdivisions that are in the "sentence style" of tabulation, and there is no conjunction at the end of the first subdivision, as is needed to complete the sentence and indicate whether the subdivisions apply conjunctively or disjunctively. If a conjunction is to be inserted at the end of the first subdivision, it must be either "and" or "or". This SECTION inserts the conjunction " <u>and</u> " at the end of the first subdivision because it is inconceivable that the General Assembly would have intended for the subdivisions to apply disjunctively. If the conjunction "or" were inserted at the end of the first subdivision, subsection (a) would provide that, for the purposes of IC 6-3.1-31.2 (the chapter concerning the Small Employer Qualified Wellness Program Tax Credit), the term "small employer" would apply to any employer that "is actively engaged in business," regardless of the size of the employer. This, of course, would be nonsense. With the conjunction " <u>and</u> " inserted at the end of the first subdivision, IC 6-3.1-31.2-3 will state that the term "small employer", as used in IC 6-3.1-31.2, means an employer that: (1) is actively engaged in business; <u>and</u> (2) on at least 50% of the working days of the preceding calendar year, employed at least two but not more than 100 eligible employees, the majority of whom work in Indiana.	Upon passage	Tom Conley, Director, Div. of Tax Policy, Dept of Revenue
15.	6-4.1-2-3	Style of Code reference. Subsection (1)(B) of IC 6-4.1-2-3 includes a reference to "IC 6-4.1-2-4". In conformity with the reference style prescribed by our Form and Style Manual, this SECTION changes the reference from "IC 6-4.1-2-4" to "section 4 of this chapter".	Upon passage	Tom Conley, Director, Div. of Tax Policy, Dept of Revenue
16.	6-6-6.5-9	Nonstandard tabulation. Subsection (a)(1) of IC 6-6-6.5-9 contains four clauses. These clauses, instead of being designated with capital letters (e.g., "(A)") in conformity with the tabulation style prescribed	Upon passage	Tom Conley, Director, Div. of Tax Policy,

		by our Form and Style Manual, are designated as "(i)", "(ii)", "(iii)", and "(iv)". No other section in IC 6-6 contains clauses designated as "(i)", "(ii)", etc. This SECTION amends IC 6-6-6.5-9(a)(1) so as to change the designation of the clauses from "(i)", "(ii)", "(iii)", and "(iv)" to "(A)", "(B)", "(C)", and "(D)".		Dept of Revenue
17.	8-1-17.5-10	Appropriate verb. The chapter IC 8-1-17.5, which was added to the Code in 2010 [P.L.18-2010], provides for the merger or consolidation of rural electric membership corporations and telephone cooperative corporations. Section 10 of the chapter (IC 8-1-17.5-10) provides that a plan of merger or consolidation, after being approved by the memberships of the corporations seeking to merge or consolidate, may either be put into effect or "... abandoned without further action by the respective memberships, boards of directors, or other persons who proposed or approved the plan of merger or consolidation ...". Subsection (f) of IC 8-1-17.5-10 reads in pertinent part as follows: "A plan of merger or consolidation <i>that is abandoned</i> under this subsection must be <u>done</u> : (1) in accordance with any procedure set forth for that purpose in the plan ... or (2) in the manner determined by the boards ...". The intended meaning of this sentence seems quite clear, but the verb ("done") does not match the subject ("plan") of the sentence. (The verb "done" <i>would</i> match the subject of the sentence if the sentence were structured like this: "The <i>abandonment</i> of a plan of merger or consolidation may be done ...".) To make the verb of the sentence match the subject, this SECTION amends IC 8-1-17.5-10 to make the sentence read as follows: "A plan of merger or consolidation that is abandoned under this subsection must be <u>abandoned</u> : (1) in accordance with ...".	Upon passage	Sarah Burkman, LSA attorney (brought to OCR's attention) Scott Storms, General Counsel, Ind. Utility Reg. Comm.
18.	8-1-17.5-18	Missing article. Subdivision (18) of IC 8-1-17.5-18 begins as follows: "To perform any of acts set forth in this section ...". The article "the" is obviously missing from this text. This SECTION amends IC 8-1-17.5-18 so as to make subdivision (18) read: "To perform any of <u>the</u> acts set forth in this section ...".	Upon passage	Sarah Burkman, LSA attorney (brought to OCR's attention) Scott Storms, General Counsel, Ind. Utility Reg. Comm.
19.	8-1-17.5-19	Redundant text. The final sentence of IC 8-1-17.5-19 reads in pertinent part as follows: "... the resolution must receive <i>the affirmative vote of</i> : (1) at least a majority of the surviving corporation's or successor corporation's members who are present at the meeting held under this section; and (2) <u>the affirmative vote of</u> at least a majority of the corporation's directors who are present at a meeting of the board of	Upon passage	Sarah Burkman, LSA attorney (brought to OCR's attention) Scott Storms,

directors ...". The repetition of "the affirmative vote of" at the beginning of subdivision (2) is unnecessary and redundant because the line immediately preceding subdivisions (1) and (2) ends with "the affirmative vote of" and this phrase applies to both subdivision (1) and subdivision (2). This SECTION amends IC 8-1-17.5-19 so as to remove "the affirmative vote of" from subdivision (2).

20.	8-21-10-6	Nonstandard tabulation. Subsection (b) of IC 8-21-10-6 includes two subdivisions, which are numbered "(1)" and "(2)". The second subdivision contains two clauses, which are likewise numbered "(1)" and "(2)". The style prescribed by our Form & Style Manual is for subdivisions to be designated with numbers and clauses to be designated with capital letters (e.g., "(A)"). This SECTION amends IC 8-21-10-6 so as to change the designation of the two clauses in subdivision (2) from "(1)" and "(2)" to "(A)" and "(B)".	Upon passage	
21.	9-17-3-3.1	Incorrect internal reference. IC 9-17-3-3.1 sets forth the form for an affidavit that is to be provided by a vehicle dealer to the purchaser or transferee of a motor vehicle. The form includes this statement: "I affirm under the penalties for perjury that ... I am a dealer <i>licensed under IC 9-23-1</i> ." But the chapter IC 9-23-1 is <u>not</u> about the licensing of motor vehicle dealers. IC 9-23-1 establishes the motor vehicle sales advisory board that advises the secretary of state in the administration of IC 9-23. Another chapter in the article, IC 9-23-2, <i>is</i> the primary law on the licensing of motor vehicle dealers, but other chapters in the article (IC 9-23-3 and IC 9-23-6) establish certain requirements and prohibitions applying to licensed motor vehicle dealers. To correct the internal reference, this SECTION amends IC 9-17-3-3.1 so as to make the statement set forth in the affidavit form refer to <u>the entire article</u> : "I affirm under the penalties for perjury that ... I am a dealer licensed under <u>IC 9-23</u> ."	Upon passage	Susan Montgomery, LSA attorney Scott DeVries, General Counsel, and Sarah Meyer, Dir., Legislative Affairs, Indiana BMV
22.	9-19-3-7	Misspelling. IC 9-19-3-7 provides that a motor vehicle must, "upon application of the service (foot) brake ... be capable of ... developing a <u>braking</u> force ..." at least equivalent to the braking force set forth for the vehicle in a table included in IC 9-19-3-7. But in one of the headings in the table, the term "braking force" is spelled "breaking force". This SECTION amends IC 9-19-3-7 so as to correct the spelling in that table heading.	Upon passage	Susan Montgomery, LSA attorney (brought to OCR's attention) Scott DeVries and Sarah Meyer, Indiana BMV
23.	9-23-2-2	Conflict resolution. IC 9-23-2-2 was amended in different ways by two 2010 acts, SEA 117 [P.L.17-2010] and HEA 1188 [P.L.93-2010]. Consequently, the Indiana Code now contains two versions of IC 9-23-2-2. The two	Upon passage	Susan Montgomery, LSA attorney

versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 9-23-2-2.

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24. 9-24-19-1

Omitted statutory reference and incorrect statutory reference. IC 9-24-19-1 provides that, "(e)xcept as provided in sections 2, 3, and 5 of this chapter, a person who operates a motor vehicle upon a highway while the person's driving privilege, license, or permit is suspended or revoked commits a Class A infraction." The first two Code sections referred to in the "except as provided in" clause (sections 2 and 3 of the chapter, i.e., IC 9-24-19-2 and IC 9-24-19-3) both provide that, under certain circumstances, operating a motor vehicle with a suspended or revoked driver's license or permit constitutes something other than a Class A infraction. Under both IC 9-24-19-2 and IC 9-24-19-3, operating a motor vehicle with a suspended or revoked driver's license or permit under certain circumstances constitutes a Class A *misdemeanor*. But there is also *another* Code section in the chapter under which operating a motor vehicle with a suspended or revoked driver's license or permit constitutes something other than a Class A infraction. IC 9-24-19-4 provides that a person who violates IC 9-24-19-3 (i.e., who operates a motor vehicle with a suspended or revoked driver's license or permit when the suspension or revocation of the license or permit resulted from the person's conviction of an offense) commits a Class D felony if the operation results in bodily injury or serious bodily injury and commits a Class C felony if the operation results in the death of another person. Because IC 9-24-19-4 is a Code section providing that operating a motor vehicle with a suspended or revoked driver's license or permit constitutes something other than a Class A infraction, a reference to IC 9-24-19-4 should have been included in the "except as provided in" clause of IC 9-24-19-1. This SECTION adds that reference, inserting "4" into the clause so as to make it read, "(e)xcept as provided in sections 2, 3, and 4 ...". This SECTION also makes another change in IC 9-24-19-1. The "except as provided in" clause of IC 9-24-19-1 includes a reference to section 5 of the chapter (i.e., IC 9-24-19-5). But IC 9-24-19-5 is not a section under which operating a motor vehicle with a suspended or revoked driver's license or permit constitutes something other than a Class A infraction. On the contrary, IC 9-24-19-5 provides that, no matter what sort of infraction or offense a person is found to have committed by operating a motor vehicle while the person's driver's license or permit was suspended or revoked, the court is required to recommend that the person's driving privileges be suspended for a fixed period of between 90 days and two years. Consequently, a reference to IC 9-24-19-5 does not exactly fit in the "except as provided in" clause of IC 9-24-19-1. This SECTION removes the reference to IC 9-24-19-5 from the "except as provided in" clause. [It appears that, in the 2000 bill that added 9-24-19-1 to the Code, the reference to "(section) ...5" originally applied to the section that eventually became IC 9-24-19-4. Subsequent amendments to the 2000 bill changed the

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number of that section from "5" to "4", but the reference to "(section) ...5" was not changed accordingly.]

25. 9-30-6-13

Incorrect Code citation. IC 9-30-6-13 includes a reference to "the order for reinstatement ... issued under section 11(2) of this chapter". But section 11 of the chapter (i.e., IC 9-30-6-11) is divided into three *subsections*. Of the three subsections, only subsection (a) is further divided into subdivisions. This SECTION amends IC 9-30-6-13 so as to change the reference from "section 11(2) of this chapter" to "section 11(a)(2) of this chapter". Assurance that the reference should be changed from "section 11(2)" to "section 11(a)(2)" can be drawn from this analysis: IC 9-30-6-13 requires the bureau of motor vehicles to rescind the requirement that a person's motor vehicle be equipped with an ignition interlock device if a court orders the rescission of the requirement. The second sentence of IC 9-30-6-13 provides that when a court orders the BMV to rescind an ignition interlock device requirement that was imposed on a person the BMV must also delete any records relating to the requirement and reinstate the person's driving privileges without cost unless the order for reinstatement "is issued under section 11(2) of this chapter". Section 11(a) contains three subdivisions. Each subdivision sets forth a situation under which a court must order the BMV to rescind an ignition interlock device requirement. Subdivision (1) ("all of the charges under IC 9-30-5 have been dismissed and the prosecuting attorney states ... that no charges will be refiled against the person") and subdivision (3) ("the person ... did not refuse to submit to a chemical test ... (and) ... has been found not guilty of all charges") relate to situations in which the requirement is rescinded because the person is presumably innocent. Subdivision (2), on the other hand, provides for rescission of an ignition interlock device requirement when "the court finds the allegations in a petition filed by a defendant under section 18 of this chapter are true". The petition that a person would file under section 18 (i.e., IC 9-30-6-18) to obtain rescission of an ignition interlock device requirement under subdivision (2) would *not* assert that the person is innocent -- rather, it would merely assert that the person's trial has been *delayed too long*. Because subdivision (2) of section 11(a) is unique in setting forth a situation in which it is appropriate for the BMV not to delete information about the requirement from its records or to reinstate the person's driving privileges without cost, a reference to section 11(a)(2) in the second sentence of IC 9-30-6-13 is a very logical fit and we can assume that the reference in to "section 11(2) of this chapter" must have been intended as a reference to section 11(a)(2).

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26. 10-12-2-3

Noting repeal of federal statutory provision. The final sentence of IC 10-12-2-3 provides that IC 10-12-2-3 "... constitutes an election under Section 415(b)(10)(C) of the Internal Revenue Code to have Section 415(b) of the Internal Revenue Code, other than Section 415(b)(2)(G) of the Internal Revenue Code, applied without regard to Section 415(b)(2)(F) of the Internal Revenue Code to anyone who did

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not first become a participant before January 1, 1990." But Section 415(b)(2)(F) of the Internal Revenue Code, a part of a section concerning limitations on benefits and contributions under qualified plans, was stricken from the Internal Revenue Code in 2001. This SECTION amends IC 10-12-2-3 so as to insert, after the reference to Section 415(b)(2)(F) of the Internal Revenue Code, "(before its repeal on June 7, 2001, by P.L.107-16)".

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| 27. | 12-15-13-1.5 | <p>Incorrect internal reference. Subsection (b) of IC 12-15-13-1.5 requires the Office of Medicaid Policy and Planning to pay interest on an unpaid amount when the Office "fails to pay a clean claim in the time required under <u>section 1(a)</u> of this chapter". But it is not <i>subsection (a)</i> of section 1 (i.e., IC 12-15-13-1) that sets forth the time within which payment of a clean claim is required. Subsection (a) merely provides that IC 12-15-13-1 "... applies only to claims submitted for payment by nursing facilities." It is <u>subsection (b)</u> of IC 12-15-13-1 that sets forth the time within which payment of a clean claim is required: "(b) The office shall pay, deny, or suspend each claim submitted by a provider for payment under the Medicaid program not more than ... twenty-one (21) days after ... or ... thirty (30) days after ...". This SECTION amends IC 12-15-13-1.5(b) so as to make it provide that the Office is required to pay interest when the Office "fails to pay a clean claim in the time required under <u>section 1(b)</u> of this chapter".</p> | Upon passage |
| 28. | 12-15-44.2-14 | <p>Nonparallel tabulated elements. Subsection (a) of IC 12-15-44.2-14 reads in pertinent part as follows: "An insurer ... (2) shall reimburse providers <u>at a reimbursement rate of</u>: (A) not less than the federal Medicare reimbursement rate for the service provided; or (B) <u>at a rate of</u> one hundred thirty percent ...". This is a departure from the tabulation style prescribed by our Form and Style Manual because clause (A) and clause (B) are not grammatically parallel; if they were parallel, the words immediately preceding the clauses would apply equally to each clause. However, the words immediately preceding the clauses do not apply to clause (B) as well as to clause (A) ("... shall reimburse providers <u>at a reimbursement rate of</u> ... (B) <u>at a rate of</u> ..."). This SECTION remedies the problem by removing the words "at a reimbursement rate of" from the line immediately preceding the clauses and placing them at the beginning of clause (A). With this change, subsection (a) will read as follows: "An insurer ... (2) shall reimburse providers: (A) <u>at a reimbursement rate of</u> not less than the federal Medicare reimbursement rate for the service provided; or (B) <u>at a rate of</u> one hundred thirty percent ...".</p> | Upon passage |
| 29. | 14-18-2-47 | <p>Missing preposition. In clause (A) of IC 14-8-2-47's subdivision (b)(3), a reference to the the Division of Oil and Gas of the Department of Natural Resources appears as "the division oil and gas". This SECTION amends IC 14-8-2-47 so as to insert the missing preposition "<u>of</u>" into this reference.</p> | Upon passage |
| 30. | 14-37-4-1 | <p>Substituting plural for singular. Subsection (b) of IC 14-37-4-1 includes a</p> | Upon passage |

reference to "subsection (c) and (d)". Because two subsections are referred to, the noun preceding "(c) and (d)" should be the plural, "subsections". This SECTION amends IC 14-37-4-1 so as to replace "subsection" with "subsections".

31.	16-18-2-0.5	Adjusting reference to new provision. Subdivision (7) of IC 16-18-2-0.5 provides that the term "abatement" includes a "project resulting in the permanent elimination of lead-based paint hazards, conducted by persons <i>certified</i> under IC 40 CFR 745.226 or IC 16-41-39.8". (IC 16-41-39.8 was added to the Code in 2009 as the new chapter to which the contents of IC 13-17-14 were transferred, and a 2010 amendment to IC 16-18-2-0.5(7) inserted the reference to "IC 16-41-39.8" to replace a reference to IC 13-17-14.) But IC 16-41-39.8 does not provide for <i>the certification</i> of persons who eliminate lead-based paint hazards. Rather, IC 16-41-39.8 (like its predecessor, IC 13-17-14) provides for <u>the licensing</u> of persons who engage in lead-based paint activities. So the reference to IC 16-41-39.8 in IC 16-18-2-0.5(7) should pertain to <u>licensing</u> , not certification. Moreover, since it is possible that some of the licenses issued under IC 13-17-14 before it was repealed and replaced by IC 16-41-39.8 are still in effect, IC 16-18-2-0.5(7) should recognize those licenses. Consequently, this SECTION amends IC 16-18-2-0.5 so as to change the language in question to read as follows: "The term includes ... (7) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons certified under 40 CFR 745.226 or <u>persons holding valid licenses issued under IC 13-17-14 (before its repeal) or IC 16-41-39.8 ...</u> ".	Upon passage	Casey Kline, LSA attorney (brought to OCR's attention) Brian Carnes, Div. of Legislative Affairs, State Dept. of Health
32.	16-18-2-10	Conforming to repeal of expired chapter. The chapter IC 16-40-5 expired by its own terms on June 30, 2010, and is being repealed. This SECTION amends IC 16-18-2-10 to eliminate a definition provision relating to IC 16-40-5.	Upon passage	
33.	16-18-2-121.3	Recognizing new definition in definitions chapter. IC 16-27-2-0.5, a new section defining the term "expanded criminal history check" for the purposes of the chapter IC 16-27-2, was added to the Code in 2010 by SEA 356 [P.L.84-2010]. Title 16 of the Code has a comprehensive definitions chapter, IC 16-18-2. According to the organizational scheme of Title 16, when a new definition is added to Title 16, either the new definition itself or a new section recognizing the new definition should be added to IC 16-18-2. SEA 356 added the definition of "expanded criminal history check" in IC 16-27-2-0.5 without making any addition to IC 16-18-2. This SECTION adds to IC 16-18-2 a new section numbered 121.3 which states that "expanded criminal history check", for the purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-0.5.	Upon passage	Steve Wenning, LSA attorney (brought to OCR's attention)
34.	16-18-2-161	Conforming to repeal of expired chapter. The chapter IC 16-40-5 expired by its own terms on June 30, 2010, and is being repealed. This SECTION amends IC 16-18-2-161 to eliminate a definition provision relating to	Upon passage	

IC 16-40-5.

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| 35. | 20-33-5-9 | Missing "IC". In subsection (g)(3) of IC 20-33-5-9 there is a reference to a Code section ("20-20-5-4") that is not preceded by "IC". This SECTION amends IC 20-33-5-9 so as to insert the missing "IC". | Upon passage |
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| 36. | 22-3-7-9 | As amended in 2001 [P.L.202-2001], IC 22-3-7-34.5 provides that an independent contractor, to be exempt from the law on worker's occupational diseases compensation, must obtain a "certificate of exemption". Before the 2001 amendment, IC 22-3-7-34.5 referred to the document to be obtained by an independent contractor as an " <i>affidavit</i> of exemption" instead of a " <u>certificate</u> of exemption." Subsections (b)(2) and (b)(3) of IC 22-3-7-9 still contain references to " <i>affidavit</i> of exemption". This SECTION amends IC 22-3-7-9 so as to change the references from " <i>affidavit</i> of exemption" to " <u>certificate</u> of exemption." | Upon passage |
| | | | |
| 37. | 22-4-11-2 | <p>Conflict resolution and tabulation problem. IC 22-4-11-2 was amended by both SEA 23 [P.L.110-2010] and SEA 222 [P.L.1-2010], the 2010 technical corrections bill. The SEA 23 SECTION amending IC 22-4-11-2 incorporated the amendment made by SEA 222, but it took effect before the SEA 222 amendment. Consequently, the two amendments are treated as having created a conflict situation, which this SECTION would resolve.</p> <p>Tabulation problem: Before the 2010 session, subsection (b) of IC 22-4-11-2 contained two subdivisions, which were numbered (1) and (2). In conformity with our Form and Style Manual, the line immediately preceding subdivision (1) ended with a colon (":") and subdivision (1) began on a new line and was indented from the left margin. The text looked like this:</p> <p style="padding-left: 40px;">"... with IC 22-4-10-5 or IC 22-4-10-5.5:</p> <p style="padding-left: 80px;">(1) for each calendar year, an employer's rate ..."</p> <p>In the 2010 session, the conference committee report on ESB 23: [1] deleted the colon at the end of the line preceding subdivision (1); [2] merged the text of subdivision (1) with the text of the line preceding subdivision (1); and [3] inserted the word "(repealed)" between the "(1)" that had begun subdivision (1) and the first word of subdivision (1). The text then looked like this:</p> <p style="padding-left: 40px;">"... with IC 22-4-10-5 or IC 22-4-10-5.5(1) (repealed) for each calendar year, an employer's rate ..."</p> <p>The "(repealed)" that was inserted by the conference committee report on ESB 23 was undoubtedly intended to immediately follow the citation to "IC 22-4-10-5.5" which had previously ended the line immediately preceding subdivision (1), because SECTION 38 of the committee report on ESB 23 repealed IC 22-4-10-5.5. This SECTION restores the proper formatting of subdivision (1), changing the text of IC 22-4-11-2 so as to make it read in pertinent part as follows:</p> <p style="padding-left: 40px;">"... with IC 22-4-10-5 or IC 22-4-10-5.5 <u>(repealed)</u>:</p> | Upon passage |

(1) for each calendar year, an employer's rate ..."

38.	22-4-11-3	Conflict resolution. IC 22-4-11-3 was amended in different ways by two 2010 acts, SEA 222 [P.L.1-2010] and SEA 23 [P.L.110-2010]. Consequently, the Indiana Code now contains two versions of IC 22-4-11-3. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 22-4-11-3.	Upon passage	
39.	22-4-17-2	Conflict resolution. IC 22-4-17-2 was amended in different ways by two 2010 acts, SEA 222 [P.L.1-2010] and SEA 23 [P.L.110-2010]. Consequently, the Indiana Code now contains two versions of IC 22-4-17-2. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 22-4-17-2.	Upon passage	
40.	22-4-19-9	The law establishing the Skills 2016 Training Program (IC 22- 4-10.5) was repealed in 2009 [P.L.175-2009] and the law establishing the Skills 2016 Training Fund (IC 22-4-24.5) was repealed in 2005 [P.L.202-2005]. But there are still a few references to assessments imposed under the Skills 2016 Training Program remaining in the Indiana Code. This SECTION amends IC 22-4-19-9 so as to strike its reference to "skills 2016 training assessment".	Upon passage	For IC 22-4-19-9, IC 22-4-29-12, IC 22-4-32-1, IC 22-4-32-18, and IC 22-4-32-23:
41.	22-4-29-12	The law establishing the Skills 2016 Training Program (IC 22- 4- 10.5) was repealed in 2009 [P.L.175-2009] and the law establishing the Skills 2016 Training Fund (IC 22-4-24.5) was repealed in 2005 [P.L.202-2005]. But there are still a few references to assessments imposed under the Skills 2016 Training Program remaining in the Indiana Code. This SECTION amends IC 22-4-29-12 so as to strike its reference to "skills 2016 training assessment".	Upon passage	Peggy Piety, LSA Attorney (brought to OCR's attention), George Angelone, LSA Attorney, and Ron Miller, Dep. Commissioner, Chief Compliance Officer and Interim General Counsel, Dept of Workforce Developmt
42.	22-4-32-1	The law establishing the Skills 2016 Training Program (IC 22- 4- 10.5) was repealed in 2009 [P.L.175-2009] and the law establishing the Skills 2016 Training Fund (IC 22-4-24.5) was repealed in 2005 [P.L.202-2005]. But there are still a few references to assessments imposed under the Skills 2016 Training Program remaining in the Indiana Code. This SECTION amends IC 22-4-32-1 so as to strike its references to "skills 2016 training assessment".	Upon passage	
43.	22-4-32-18	The law establishing the Skills 2016 Training Program (IC 22- 4- 10.5) was repealed in 2009 [P.L.175-2009] and the law establishing the Skills 2016 Training Fund (IC 22-4-24.5) was repealed in 2005 [P.L.202-2005]. But there are still a few references to assessments imposed under the Skills 2016 Training Program remaining in the Indiana Code. This SECTION amends IC 22-4-32-18 so as to strike its reference to "skills 2016 training assessment".	Upon passage	(see above)

44.	22-4-32-23	The law establishing the Skills 2016 Training Program (IC 22- 4- 10.5) was repealed in 2009 [P.L.175-2009] and the law establishing the Skills 2016 Training Fund (IC 22-4-24.5) was repealed in 2005 [P.L.202-2005]. But there are still a few references to assessments imposed under the Skills 2016 Training Program remaining in the Indiana Code. This SECTION amends IC 22-4-32-23 so as to strike its reference to "skills 2016 training assessment".	Upon passage	(see above)
45.	23-20-1-6	Adding adjective to confirm that items are listed disjunctively. Our Form and Style Manual recognizes two types of tabulation: the sentence style and the listing style. A sentence tabulated in the listing style begins with an introductory clause that terminates with "as follows:" or "the following:". After this, the items to be tabulated are listed separately, one per line, with each item beginning with a capital letter and ending with a period. No conjunction ("and" or "or") is included at the end of any of the listed items. However, whether the tabulated items are to be understood as functioning within the listing collectively (conjunctively) or alternatively (disjunctively) is usually indicated by the inclusion of a certain adjective in the introductory clause. If the tabulated items are to be understood as functioning collectively, the introductory clause usually ends with " <u>all</u> of the following:". If the tabulated items are to be understood as functioning alternatively, the introductory clause usually ends with " <u>any</u> of the following:". The sentence in IC 23-20-1-6 is tabulated in the listing style. It begins with an introductory clause. The introductory clause is followed by six subdivisions. Subdivisions (1) through (5) set forth the names of major federal and state regulatory acts, and subdivision (6) reads: "Other state securities acts and any rules or regulations related to those acts." The introductory clause of the sentence in IC 23-20-1-6 does <i>not</i> include "all of" or "any of". However, it is certain that the subdivisions of IC 23-20-1-6 are to be understood as functioning <i>alternatively</i> . IC 23-20-1-6's introductory clause reads: "As used in this chapter, "securities violation" means a violation of the following:". If the subdivisions of IC 23-20-1-6 were to be understood as functioning collectively, a "securities violation" would not exist under IC 23-20-1 unless someone had violated <i>every one</i> of the major federal and state regulatory acts listed in subdivisions (1) through (6), including the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, the Investment Advisers Act of 1940, and the Indiana uniform securities act. This interpretation would be absurd. Because it is certain that the subdivisions of IC 23-20-1-6 are to be understood as functioning <i>alternatively</i> , this SECTION amends IC 23-20-1-6 so as to make its introductory clause read as follows: "As used in this chapter, "securities violation" means a violation of <u>any</u> of the following:". This SECTION also inserts the appropriate Indiana Code numerical reference ("IC 23-19") after the verbal reference in IC 23-20-1-6(5) to the "Indiana uniform securities act".	Upon passage	Sarah Burkman, LSA attorney (brought to OCR's attention) Jerry Bonnet, Chief Legal Counsel, Secretary of State's Office
46.	24-4.4-1-301	Incorrect internal reference. In IC 24-4.4-1-301, as amended by SEA 328	Upon passage	Sarah Burkman,

[P.L.35-2010], subsection (7) defines the term "creditor" and provides that the term "... does not include a person described in subsection 33(a) in a tablefunded transaction." This reference to "subsection 33(a)" must be incorrect. It is subsection (34), not subsection (33), that defines the term "tablefunded" and pertains to tablefunded transactions. Subsection (33), on the other hand, defines the term "revolving first lien mortgage transaction". (Before the 2010 amendment to IC 24-4.4-1-301, the subsection that is now numbered as (34) was subsection (13), and the subsection defining "creditor" provided that "creditor" did not "... include a person described in subsection 13(a) in a tablefunded transaction.") This SECTION amends IC 24-4.4-1-301 so as to provide in subsection (7) that the term "creditor" does not "... include a person described in subsection 34(a) in a tablefunded transaction."

LSA attorney
(brought to OCR's
attention)

John Schroeder,
General Counsel,
and
Connie Gustafson,
Assoc. Gen. Counsel,
Dept. of Fin. Institutions

47.	25-1-2-6	Conflict resolution. IC 25-1-2-6 was amended in different ways by two 2010 acts, SEA 356 [P.L.84-2010] and HEA 1086 [P.L.113-2010]. Consequently, the Indiana Code now contains two versions of IC 25-1-2-6. The two versions are technically and substantively compatible, so this SECTION merges the versions so that the Indiana Code will again contain only one version of IC 25-1-2-6.	Upon passage
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48.	25-1-6-3	Updating reference to board. SEA 356 [P.L.84-2010] eliminated the state board of barber examiners as a separate entity and transformed the former state board of cosmetology examiners into "the state board of cosmetology <i>and barber</i> examiners. However, subsection (a)(4) of IC 25-1-6-3 still refers to "State board of cosmetology examiners". This SECTION amends IC 25-1-6-3 so as to change the reference in subsection (a)(4) to: "State board of cosmetology <u>and barber</u> examiners".	Upon passage
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Steve Wenning,
LSA attorney
(brought to OCR's
attention)

49.	25-1-7-1	Conflict resolution. IC 25-1-7-1 was amended in different ways by two 2010 acts, SEA 356 [P.L.84-2010] and HEA 1086 [P.L.113-2010]. Consequently, the Indiana Code now contains two versions of IC 25-1-7-1. The two versions are technically and substantively compatible, so this SECTION merges the versions so that the Indiana Code will again contain only one version of IC 25-1-7-1.	Upon passage
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50.	25-1-8-1	Conflict resolution. IC 25-1-8-1 was amended in different ways by two 2010 acts, SEA 356 [P.L.84-2010] and HEA 1086 [P.L.113-2010]. Consequently, the Indiana Code now contains two versions of IC 25-1-8-1. The two versions are technically and substantively compatible, so this SECTION merges the versions so that the Indiana Code will again contain only one version of IC 25-1-8-1.	Upon passage
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51.	25-1-11-1	Conflict resolution. IC 25-1-11-1 was amended in different ways by two	Upon passage
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2010 acts, SEA 356 [P.L.84-2010] and HEA 1086 [P.L.113-2010].
 Consequently, the Indiana Code now contains two versions of IC 25-1-11-1.
 The two versions are technically and substantively compatible, so this
 SECTION merges the two versions so that the Indiana Code will again contain
 only one version of IC 25-1-11-1. This SECTION also changes the reference
 to "State board of registration *of* land surveyors" in IC 25-1-11-1 to "State
 board of registration for land surveyors" in conformity with the name given
 to that board by IC 25-21.5-2, which established the board.

52.	25-1-11-9	<p>Missing conjunction. IC 25-1-11-9 contains two subdivisions, each of which sets forth a type of wrongdoing that subjects a person registered as an engineer or land surveyor to disciplinary sanctions. The two subdivisions are in "the sentence style" of tabulation, meaning that they are intended to be part of a complete sentence. However, there is no conjunction at the end of subdivision (1) to indicate whether the two subdivisions apply conjunctively ("(1) <u>and</u> (2)") or disjunctively ("(1) <u>or</u> (2)"). The conjunction that should appear at the end of subdivision (1) has presumably been absent since IC 25-1-11-9 was added to the Code in 1993 [P.L.214-1993] because IC 25-1-11-9 has never been amended. The omission of the conjunction is clearly an error. It is certain that either "and" or "or" should have been inserted at the end of subdivision (1) to make the intention of the General Assembly clear. Judging from the context and the language of the subdivisions, it seems obvious that the conjunction that should have been inserted to clarify the General Assembly's intention in enacting IC 25-1-11-9 was "or". The types of wrongdoing set forth in subdivision (1) and subdivision (2) are very different -- the wrongdoing set forth in subdivision (1) is permitting the practitioner's seal to be affixed to plans or drawings not prepared by the practitioner, and the wrongdoing set forth in subdivision (2) is using the title "architect" without being registered under IC 25-4-1. Because the two types of wrongdoing set forth in the two subdivisions are so different, it is inconceivable that the General Assembly would have intended that a person registered as an engineer or land surveyor would not be subject to disciplinary sanctions unless he or she committed <i>both</i> types of wrongdoing. This SECTION amends IC 25-1-11-9 so as to insert "<u>or</u>" at the end of subdivision (1).</p>	Upon passage	Angela Jones, Board Director, Prof. Licensing Acy, Div. of Engineers & Land Surveyors
53.	25-15-9-18	<p>Conflict resolution. IC 25-15-9-18 was amended in different ways by two 2010 acts, SEA 102 [P.L.101-2010] and HEA 1234 [P.L.94-2010]. Consequently, the Indiana Code now contains two versions of IC 25-15-9-18. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 25-15-9-18.</p>	Upon passage	
54.	25-23.6-8.5-1	<p>Omitted word. SEA 356 [P.L.84-2010] added provisions to the Code authorizing the issuance of a new type of license, the "mental health counselor associate</p>	Upon passage	Steve Wenning, LSA attorney

		license". But in subdivision (2)(A) of IC 25-23.6-8.5-1, as amended by SEA 356, there is a reference to the mental health counselor associate license from which the word "license" is missing. (The text reads: "... holds a mental health counselor associate, in good standing, issued under ...".) This SECTION amends IC 25-23.6-8.5-1 so as to insert the missing word " <u>license</u> " into the reference in subdivision (2)(A).		(brought to OCR's attention)
55.	25-29-1-0.5	Incorrect statutory references. Subsection (d) of IC 25-29-1-0.5 contains a reference to "a hospital licensed under <i>IC 16-10-1</i> ". But <u>IC 16-10-1</u> (a chapter that originated in 1945 and was entitled "Hospital Licensing and Regulation") was repealed in the 1993 recodification of Title 16 and replaced by IC 16-21-2, the current law on the licensing of hospitals. This SECTION amends IC 25-29-1-0.5(d) so as to change the reference to read as follows: "a hospital licensed under <u>IC 16-21-2</u> ". Subsection (d) of IC 25-29-1-0.5 also states: "A podiatrist licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized <i>in IC 16-6-8-3</i> is subject to disciplinary action under IC 25-1-9." But IC 16-6-8-3, part of the former "Indiana Legend Drug Act" (IC 16-6-8), was repealed in 1993 when IC 16-6-8 was relocated to IC 16-42-19. This SECTION replaces the reference to "IC 16-6-8-3" in subsection (d) with " <u>IC 16-42-19</u> ".	Upon passage	Brain Carnes, Div. of Legislative Affairs State Dept. of Health Casey Kline, LSA attorney
56.	25-34.1-9-19	Missing "IC". At the end of subdivision (2) of IC 25-34.1-9-19, there is a reference to "25-34.1-3-10(d)". The "IC" that precedes such references within the Indiana Code is missing. This SECTION amends IC 25-34.1-9-19 so as to insert "IC" immediately before the reference to "25-34.1-3-10(d)".	Upon passage	
57.	26-2-6-1	Missing conjunction. IC 26-2-6-1 contains a definition of the term "independent service facility". The paragraph of IC 26-2-6-1 defining "independent service facility" contains three subdivisions, each of which sets forth a condition for a dealer of audio or visual entertainment products to qualify as an independent service facility. However, there is no conjunction at the end of the second subdivision to indicate whether the subdivisions apply conjunctively ("(1), (2) <u>and</u> (3)") or disjunctively ("(1), (2) <u>or</u> (3)"). When IC 26-2-6-1 was added to the Code in 1983 [P.L.254-1983, SECTION 2], the conjunction "and" appeared at the end of subdivision (2), indicating in context that a dealer of audio or visual entertainment would have to meet <i>all three</i> of the conditions set forth in subdivisions (1) through (3) to fall within the definition of "independent service facility". IC 26-2-6-1 was amended in 1995 [P.L.234-1995, SECTION 29] and somehow, through the 1995 amendment, the conjunction "and" at the end of subdivision (2) disappeared. The 1995 act did not strike the conjunction "and" -- rather, the conjunction "and" simply did not appear in the text of the 1995 act. This	Upon passage	Richard Bramer, Chief Counsel, Advisory Section, Attorney General's Office

was contrary to a fundamental principle of legislative drafting: to remove a word from the Code, an act *must strike* the word -- the word should never disappear from the Code simply by not appearing in the SECTION of the act amending the Code section containing the word. Because the conjunction "and" appeared in IC 26-2-6-1 before the 1995 amendment and because we can assume that the non-appearance of the conjunction "and" in the text of the 1995 act was a mistake, this SECTION restores the conjunction "and" to the definition of "independent service facility" in IC 26-2-6-1. This SECTION also tabulates the current contents of IC 26-2-6-1 in conformity with the style prescribed by our Form and Style Manual.

58. 26-2-6-3

Nonstandard tabulation. IC 26-2-6-3 contains three subdivisions that set forth the responsibilities of an authorized service representative or independent service facility that undertakes the servicing or repair of an audio or visual entertainment product. The three subdivisions would appear at first blush to set forth three separate, independent requirements. However, the conjunctions used ("... shall do the following: (1) ... or (2) ... and (3) ...") are contrary to the tabulation style prescribed by our Form and Style Manual and suggest that the subdivisions do not set forth three separate, independent requirements. Closer examination reveals that subdivision (1) sets forth a 45 day deadline that applies generally and that subdivisions (2) and (3) set forth different deadlines that apply only in a case in which a part necessary to the repair or servicing of the audio or visual entertainment product is not immediately available to the authorized service representative or independent service facility. This SECTION restructures the three subdivisions in IC 26-2-6-3, leaving subdivision (1) to apply in cases in which all necessary parts are available, shifting the conditional statement ("if a part necessary to effect the repair or service is not immediately available") to the beginning of subdivision (2), and converting the rest of the former subdivision (2) and all of subdivision (3) into clauses (A) and (B) of subdivision (2). With these changes, the first sentence of IC 26-2-6-3 will read as follows: "Whenever authorized service representatives or independent service facilities undertake to service or repair an audio or visual entertainment product, they shall: (1) provide services or make repairs on the product within forty-five (45) days of receipt of that product, regardless of whether the product is covered by an express warranty; or (2) if a part necessary to effect the repair or service is not immediately available: (A) notify the consumer requesting the service or repair that the part is not immediately available and order the part, within fifteen (15) days of receipt of the product; and (B) repair or service the product within thirty (30) days of receipt of the ordered part, unless the consumer agrees otherwise."

Upon passage

Richard Bramer,
Chief Counsel,
Advisory Section,
Attorney General's
Office

59. 26-4-1-10

Incorrect word, presumably typographical error. IC 26-4-1-10 was amended in 2010 to provide that, for purposes of the grain indemnity program, the term "failed" or "failure" includes the following: "(4) Revocation of

Upon passage

suspension of a licensee's license, if the licensee has outstanding indebtedness owed to claimants." The use of the preposition "of" between "Revocation" and "suspension" in subdivision (4) of IC 26-4-1-10 must have been an error. There appears to be no such thing as the "revocation of a suspension" of a grain warehouseman's license under IC 26-4-1. Even if there were such a thing as a revocation of a license suspension under IC 26-4-1, it is inconceivable that such a thing would meet the definition of "failed" or "failure" for the purposes of IC 26-4-1. A failure, for the purposes of IC 26-4-1, is an event causing the Indiana grain indemnity corporation board to pay money out of the grain indemnity fund to producers who have incurred financial losses as a result of the failure. It is easy to see how the revocation of a grain warehouseman's license under IC 26-4-1 would constitute a failure that would trigger a payment from the fund; likewise, it is easy to see how the suspension of a grain warehouseman's license under IC 26-4-1 would constitute a failure that would trigger a payment from the fund. Therefore, the sentence in IC 26-4-1-10(4) would make sense if the conjunction "or" were substituted for the preposition "of". Because it is very easy to mistakenly type the latter word for the former, the use of "of" instead of "or" in the 2010 amendment to IC 26-4-1-10 was probably a typographical error. This SECTION replaces "of" with "or", making IC 26-4-1-10(4) read as follows: "Revocation or suspension of a licensee's license, if the licensee has outstanding indebtedness owed to claimants."

60.	28-1-29-7.5	Incorrect Code reference. Subsection (b)(2) of IC 28-1-29-7.5 includes a reference to "the licensee's next license renewal fee under section 3(c) of this chapter". But <i>subsection (c)</i> of section 3 (i.e., IC 28-1-29-3(c)) does not relate to license fees; it relates to criminal background checks, credit histories, and other background checks. It is <i>subsection (d)</i> of IC 28-1-29-3 that relates to license fees. (The subsection of IC 28-1-29-3 currently designated as "(d)" was designated as "(c)" until IC 28-1-29-3 was amended in 2007, and the reference to "section 3(c)" in IC 28-1-29-7.5 apparently did not recognize the 2007 re-designation of that subsection.) This SECTION amends IC 28-1-29-7.5 so as to change the reference in subsection (b)(2) from "section 3(c)" to "section 3(d)".	Upon passage	John Schroeder, General Counsel, Dept. of Fin. Institutions Connie Gustafson, Assoc. Gen. Counsel, Dept. of Fin. Institutions
61.	29-1-17-4	Style of Code reference. IC 29-1-17-4 includes a reference to "IC 29-1-17-3". In conformity with the reference style prescribed by our Form and Style Manual, this SECTION changes the reference from "IC 29-1-17-3" to "section 3 of this chapter". For the sake of clarity this SECTION also tabulates the first sentence of IC 29-1-17-4, placing the references to five types of claims for which payment may be made into five separate subdivisions.	Upon passage	
62.	32-17.5-5-1	Nonstandard designation of tabulated elements. In STEP THREE of the formula set forth in IC 32-17.5-5-1(a), there are two clauses. Those clauses,	Upon passage	

unlike the clauses in the other STEPS in IC 32-17.5-5-1, are designated with numbers (as "(1)" and "(2)") instead of with letters. This SECTION amends IC 32-17.5-5-1 so as to change the designation of tabulated elements in STEP THREE of the formula in subsection (a) from the numbers "(1)" and "(2)" to the letters "(A)" and "(B)".

63.	33-38-7-16	Noting repeal of federal statutory provision. The final sentence of IC 33-38-7-16 provides that IC 33-38-7-16 "... constitutes an election under Section 415(b)(10)(C) of the Internal Revenue Code to have Section 415(b) of the Internal Revenue Code (other than Section 415(b)(2)(G)) applied without regard to <u>Section 415(b)(2)(F)</u> to anyone who did not first become a participant before January 1, 1990." But Section 415(b)(2)(F) of the Internal Revenue Code, a part of a section concerning limitations on benefits and contributions under qualified plans, was stricken from the Internal Revenue Code in 2001. This SECTION amends IC 33-38-7-16 so as to insert, after the reference to Section 415(b)(2)(F), "(before its repeal on June 7, 2001, by P.L.107-16)".	Upon passage	Peggy Piety, LSA attorney (brought to OCR's attention) Allison A. Murphy, Indiana Public Employees Retirement Fund
64.	34-30-2-30	Inaccurate characterization of immunity provision. IC 34-30-2 is an unusual chapter of the Indiana Code. Instead of containing substantive provisions, it is merely informational. IC 34-30-2 is basically a catalogue or list of Code provisions that are located outside Title 34 and that confer immunity from civil liability upon someone. Every section in IC 34-30-2 consist of two parts: first, each section identifies a particular provision located outside Title 34 that confers immunity from civil liability upon someone; and second, each section sets forth a short parenthetical statement describing the provision conferring immunity. IC 9-22-3-25 is a Code provision located outside Title 34 that confers immunity from civil liability, and it is catalogued in IC 34-30-2 in the section IC 34-30-2-30. However, in IC 34-30-2-30, the short parenthetical statement describing IC 9-22-3-25 is somewhat inaccurate. The short parenthetical statement in IC 34-30-2-30 describes IC 9-22-3-25 as follows: "(Concerning persons releasing or providing evidence or information concerning <i>auto theft</i>).". But IC 9-22-3-25 provides that "... a person who releases or provides evidence or information <i>under this chapter</i> to (certain identified law enforcement officials) is immune from civil or criminal liability for providing that evidence or information", and the chapter in question (IC 9-22-3) does not relate to "auto theft" but to "Salvage Motor Vehicles". This SECTION amends the short parenthetical statement in IC 34-30-2-30 as to make it describe IC 9-22-3-25 as follows: "(Concerning persons releasing or providing evidence or information concerning <u>salvage motor vehicles</u>).".	Upon passage	Susan Montgomery, LSA attorney (brought to OCR's attention)
65.	34-30-2-81.3	Incorrect Code reference. IC 34-30-2 is the unusual Code chapter that is basically a catalogue of Code provisions that are located outside Title 34 and that confer immunity from civil liability upon someone. Every section in IC 34-30-2: (1) cites a particular provision located outside Title 34 that confers	Upon passage	

immunity from civil liability; and (2) includes a short parenthetical statement describing the provision conferring immunity. However, in IC 34-30-2-81.3, the citation to a particular provision conferring immunity (i.e., "IC 16-41-8-6") must be an error. There *is* a section numbered "IC 16-41-8-6" in the Indiana Code, but it was just added to the Code in 2010, a full year after IC 34-30-2-81.3 was added to the Code. And IC 16-41-8-6, which provides for the testing of a criminal defendant for the human immunodeficiency virus under certain circumstances, does not confer immunity from civil liability upon anyone. It seems clear that the right way to correct the erroneous reference to "IC 16-41-8-6" in IC 34-30-2-81.3 is to replace "IC 16-41-8-6" with "IC 16-41-8-5(f)". Subsection (f) of IC 16-41-8-5 reads as follows: "A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality." The short parenthetical statement in IC 34-30-2-81.3 describing the provision conferring immunity reads, "(Concerning a health care provider who discloses information in compliance with IC 16-41-8-5)", and subsection (f) of IC 16-41-8-5 *is* the provision conferring civil immunity that concerns "... a health care provider who discloses information in compliance with IC 16-41-8-5". This SECTION amends IC 34-30-2-81.3 so as to replace its citation to "IC 16-41-8-6" with "IC 16-41-8-5(f)".

66.	34-30-15-1	Conforming to repeal of expired chapter. The chapter IC 16-40-5 expired by its own terms on June 30, 2010, and is being repealed. IC 34-30-15-1, a Code section that concerns the communications of health care provider peer review committees, contains four references to IC 16-40-5. This SECTION amends IC 34-30-15-1 so as to insert "(repealed)" after each of the references to IC 16-40-5.	Upon passage
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67.	34-44.5-1-8	Correcting verb form. In the sentence in IC 34-44.5-1-8, as added by by HEA 1350 [P.L.57-2010], the subject is singular: "law". However, the verb in the sentence is plural: "apply". This SECTION amends IC 34-44.5-1-8 so as to make the verb agree with the subject of the sentence: "All applicable Indiana law concerning compliance with subpoenas ... <u>applies</u> to subpoenas issued under section 6 of this chapter."	Upon passage
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Tim Tyler,
LSA attorney
(brought to OCR's
attention)

68.	34-55-10-2	Conflict resolution. IC 34-55-10-2 was amended in different ways by two 2010 acts, HEA 1021 P.L.44-2010 and HEA1165 [P.L.53-2010]. Consequently, the Indiana Code now contains two versions of IC 34-55-10-2. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 34-55-10-2.	Upon passage
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69.	35-44-3-3	Conflict resolution. IC 35-44-3-3 was amended in different ways by two 2010 acts, SEA 170 [P.L.102-2010] and SEA 81 [P.L.100-2010]. Consequently, the Indiana Code now contains two versions of IC 35-44-3-3. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 35-44-3-3.	Upon passage
70.	35-48-7-4	Reference to defunct entity. Before 2010, the controlled substances advisory committee, a body established by IC 35-48-2-1, had certain responsibilities under IC 35-48, the law on controlled substances. SEA 356 [P.L.84-2010] eliminated the controlled substances advisory committee as of July 1, 2010, transferred its responsibilities to the Indiana board of pharmacy, and provided (in the new IC 25-26-13-4.3 added by SECTION 70, effective July 1, 2010) that any administrative rules adopted by the controlled substances advisory committee before July 1, 2010, are to be treated in the future as rules of the Indiana board of pharmacy. But SEA 356 did not amend IC 35-48-7-4, and IC 35-48-7-4 still provides that the term "exception report" means a record "... that indicates dispensing or receiving of controlled substances outside norms for dispensing or receiving controlled substances established by <u>the advisory committee</u> ". (Under IC 35-48-1-4, which was repealed by SEA 356, "advisory committee" as used within IC 35-48 referred to <i>the controlled substances advisory committee</i> .) Because the controlled substances advisory committee has been eliminated, and because any administrative rules under which the controlled substances advisory committee established "norms for for dispensing or receiving controlled substances" are, by law, beginning July 1, 2010, to be treated as rules of the Indiana board of pharmacy, this SECTION amends IC 35-48-7-4 so as to make it provide that the term "exception report" means a record "... that indicates dispensing or receiving of controlled substances outside norms for dispensing or receiving controlled substances established by <u>the board</u> ". (According to the definition in IC 35-48-1-6, the term "board", when used within IC 35-48, refers to the Indiana state board of pharmacy).	Upon passage
71.	35-48-7-8.1	Conflict resolution. IC 35-48-7-8.1 was amended in different ways by two 2010 acts, HEA 1234 [P.L.94-2010] and SEA 356 [P.L.84-2010]. Consequently, the Indiana Code now contains two versions of IC 35-48-7-8.1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 35-48-7-8.1.	Upon passage
72.	35-48-7-12.1	Incorrect internal reference. Before 2010, IC 35-48-7-12.1 included a reference to "section 8.1(b)(4) of this chapter". In 2010, SEA 356 [P.L.84-2010] and another act amended "section 8.1" (i.e., IC 35-48-7-8.1) so as to eliminate its former subsection (a) and re-designate its former subsection (b) as "(a)".	Upon passage

SEA 356 also amended IC 35-48-7-12.1's reference to "section 8.1(b)(4) of this chapter" in correspondence with the changes being made in IC 35-48-7-8.1. However, while SEA 356 struck IC 35-48-7-12.1's reference to "section 8.1(b)(4)", it replaced that reference with "section 8.1(4)", a reference that *did not refer to any subsection* in IC 35-48-7-8.1. This was not correct, since IC 35-48-7-8.1's former subsection (b), which contains the subdivision (4) to which the reference relates, had been re-designate as "(a)". This SECTION corrects the reference in IC 35-48-7-12.1, replacing "section 8.1(4)" with "section 8.1(a)(4)".

73.	36-7-15.1-35	References to repealed provisions. IC 36-7-15.1-35 is a Code section under which credits for property tax replacement may be provided for the purpose of redeveloping areas in Marion County that are in need of redevelopment. IC 36-7-15.1-35 contains nine references to provisions within IC 6-1.1-21, a chapter that was repealed by P.L.146-2008. This SECTION inserts "(repealed)" after each of the references.	Upon passage	Bob Bond and Ed Gohmann, LSA attorneys.
74.	36-7-30-4	Misspelling. In subsection (c)(5) of IC 36-7-30-4, the word "commissioners" is misspelled. This SECTION amends IC 36-7-30-4 to correct that misspelling.	Upon passage	
75.	36-7-30.5-30	References to repealed provisions. IC 36-7-30.5-30 is a Code section concerning the possible allocation and distribution of property taxes for purposes of the development or reuse of a military base that is located in more than two counties. IC 36-7-30.5-30 contains nine references to provisions within IC 6-1.1-21, a chapter that was repealed by P.L.146-2008. This SECTION inserts "(repealed)" after each of the references.	Upon passage	Bob Bond and Ed Gohmann, LSA attorneys.
76.	36-8-6-1.5	Noting repeal of federal statutory provision. The final sentence of IC 36-8-6-1.5(c) provides that IC 36-8-6-1.5 "... constitutes an election under Section 415(b)(10)(C) of the Internal Revenue Code to have Section 415(b) of the Internal Revenue Code, other than Section 415(b)(2)(G) of the Internal Revenue Code, applied without regard to <u>Section 415(b)(2)(F)</u> of the Internal Revenue Code to anyone who did not first become a participant before January 1, 1990." But Section 415(b)(2)(F) of the Internal Revenue Code, a part of a section concerning limitations on benefits and contributions under qualified plans, was stricken from the Internal Revenue Code in 2001. This SECTION amends IC 36-8-6-1.5 so as to insert, after the reference to Section 415(b)(2)(F) of the Internal Revenue Code, "(before its repeal on June 7, 2001, by P.L.107-16)".	Upon passage	Peggy Piety, LSA attorney (brought to OCR's attention) Allison A. Murphy, Indiana Public Employees Retirement Fund
77.	36-8-7-2.5	Noting repeal of federal statutory provision. The final sentence of IC 36-8-7-2.5(c) provides that IC 36-8-7-2.5 "... constitutes an election under Section 415(b)(10)(C) of the Internal Revenue Code to have Section 415(b) of the Internal Revenue Code, other than Section 415(b)(2)(G) of the Internal Revenue Code, applied without	Upon passage	Peggy Piety, LSA attorney Allison A. Murphy,

regard to Section 415(b)(2)(F) of the Internal Revenue Code to anyone who did not first become a participant before January 1, 1990." But Section 415(b)(2)(F) of the Internal Revenue Code, a part of a section concerning limitations on benefits and contributions under qualified plans, was stricken from the Internal Revenue Code in 2001. This SECTION amends IC 36-8-7-2.5 so as to insert, after the reference to Section 415(b)(2)(F) of the Internal Revenue Code, "(before its repeal on June 7, 2001, by P.L.107-16)".

78.	36-8-7.5-1.5	Noting repeal of federal statutory provision. The final sentence of IC 36-8-7.5-1.5(c) provides that IC 36-8-7.5-1.5 "... constitutes an election under Section 415(b)(10)(C) of the Internal Revenue Code to have Section 415(b) of the Internal Revenue Code, other than Section 415(b)(2)(G) of the Internal Revenue Code, applied without regard to <u>Section 415(b)(2)(F)</u> of the Internal Revenue Code to anyone who did not first become a participant before January 1, 1990." But Section 415(b)(2)(F) of the Internal Revenue Code, a part of a section concerning limitations on benefits and contributions under qualified plans, was stricken from the Internal Revenue Code in 2001. This SECTION amends IC 36-8-7-2.5 so as to insert, after the reference to Section 415(b)(2)(F) of the Internal Revenue Code, "(before its repeal on June 7, 2001, by P.L.107-16)".	Upon passage	Peggy Piety, LSA attorney Allison A. Murphy, Indiana Public Employees Retirement Fund
79.	36-8-8-11	Incorrect internal reference. Subsection (b) of IC 36-8-8-11 was amended by SEA 30 [P.L.99-2010] to include an introductory clause reading as follows: "Except as provided in <u>section 24</u> of this chapter ...". The reference to "section 24" (i.e., IC 36-8-8-24) is incorrect. Pre-enrollment versions of SEA 30 would have added a new Code section as "IC 36-8-8-24", but in the text of SEA 30, the new section was added as "IC 36-8-8-24.8". The number of the section being added by Senate Bill 30 was apparently changed from "24" to "24.8" because two other 2010 acts (HEA 1050 and SEA 172) were also adding sections numbered "IC 36-8-8-24" to the Code, and changing the number of the section being added by Senate Bill 30 would avoid the addition to the Code of different sections with identical section numbers. However, the reference to "section 24 of this chapter" being added to IC 36-8-8-11 by SEA 30 was not altered in correspondence with the change in the number of the new section being added by SEA 30. This SECTION amends IC 36-8-8-11 so as to make the introductory clause added by SEA 30 read as follows: "Except as provided in <u>section 24.8</u> of this chapter ...".	Upon passage	Allen Morford, LSA attorney (brought to OCR's attention)
80.	36-9-16-2	Conflict resolution. IC 36-9-16-2 was amended in different ways by two 2010 acts, SEA 281 [P.L.34-2010] and HEA 1086 [P.L.113-2010]. Consequently, the Indiana Code now contains two versions of IC 36-9-16-2. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 36-9-16-2.	Upon passage	

(2) REPEALERS OF CODE SECTIONS:

<u>SEC.</u>	<u>§ Repealed</u>	<u>Page</u>	<u>Reason for the Repeal:</u>	<u>Effective Date of Repeal:</u>	<u>Consulted:</u>
81.	2-5.5-4		"This chapter expires December 31, 2009."	Upon passage	
	6-1.1-21.6		Obsolete chapter. IC 6-1.1-21.6 provides that distributions of money may be made to certain school corporations under certain circumstances. However, a distribution may be made under IC 6-1.1-21.6 only from the property tax replacement fund, and the property tax replacement fund no longer exists. The property tax replacement fund was established by IC 6-1.1-21, and IC 6-1.1-21 was repealed by P.L.146-2008. Moreover, under IC 6-1.1-21.6-1, a school corporation is required to apply for a distribution from the property tax replacement fund "(b)efore January 1, 2002".	Upon passage	George Angelone, Bob Bond, and Ed Gohmann, LSA attorneys.
	16-18-2-240.5		Definition applying only to a chapter being repealed. IC 16-18-2-240.5 defines the term "morbid obesity" exclusively for the purposes of IC 16-40-3, a chapter that expired on June 30, 2010, and is being repealed.	Upon passage	
	16-40-3		"This chapter expires June 30, 2010."	Upon passage	
	16-40-5		"This chapter expires June 30, 2010."	Upon passage	
	20-20-36.1		"This chapter expires July 1, 2009."	Upon passage	
	27-1-3-31		"This section expires December 31, 2009."	Upon passage	Ann Naughton, LSA attorney

(3) AMENDMENTS TO NON-CODE SECTIONS:

<u>SEC.</u>	<u>Noncode § Amended</u>	<u>Page</u>	<u>Reason for Amendment:</u>	<u>Eff. date of amendment:</u>	<u>Consulted:</u>
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(4) REPEALERS OF NON-CODE SECTIONS:

<u>SEC.</u>	<u>§ REPEALED</u>	<u>Page</u>	<u>Reason for the repeal:</u>	<u>Effective date of repeal:</u>	<u>Consulted:</u>
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(5) EMERGENCY CLAUSE:

82. **An emergency is declared for this act.**